D.B.CIVIL SPECIAL APPEAL (W) NO. 1363/2006
Mangi Lal Jatav v. State of Rajasthan & anr.

Date of order : 28.02.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri G.P.Kaushik for the appellant

This special appeal is directed against the order of the learned Single Judge dated 1.9.2006 in S.B.Civil Writ Petition no. 5639/2006 dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging the order of the District Collector, Karauli cancelling compensation awarded to the appellant.

Case of the appellant is that the Land Acquisition Officer exercising the power of the Collector under section 11 of the Land Acquisition Act determined compensation of Rs. 60,480/- in his favour, but on wrong premises the District Collector cancelled the order. From the order of the Collector dated 26.10.2005 it appears that the appellant had obtained patta with respect to 150 sq.yards (one biswa) land out of 2 bighas and 13 biswas of khasra no. 960 of village Bugdar. He also got mutation of the one biswa land of the same khasra and attested the same beyond jurisdiction. The land in question is part of Siwai chak (government land).

Counsel for the appellant submitted that the Land Acquisition Officer had allowed compensation exercising power of the Collector and District Collector had no jurisdiction to cancel the same. He submitted that the Collector should have referred the matter to the Civil Court under section 30 of the Land Acquisition Act.

The first submission overlooks the provisions of sections 12 and 13 of the Land Acquisition Act under which the District Collector is entitled to hold inquiry after the award is filed in the office. It is relevant to mention that the award of the Collector is final and conclusive with respect to only area and value of the land and apportionment among persons who are interested. As regards the other submission, section 30 contemplates dispute "as to the apportionment" of the amount of compensation. Where the claim of the person is found to be bogus, section 30 can not be invoked, and reference can not be made to the Civil Court.

Counsel submitted that the Collector could not have cancelled the order of the Land Acquisition Officer without cancelling the patta. We do not wish to make any observation, for, having regard to the facts of the case and the conduct of the appellant we do not think he approached the Court with clean hands to entitle him relief in writ jurisdiction.

The learned Single Judge in these premises did not commit any error in dismissing the writ petition. The appeal is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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